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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SHERMAN GOTTLIEB,

Plaintiff,

- against -

CARNIVAL CORPORATION,

Defendant.

---X

04-CV-4202 (ILG) (VVP)

AMENDED JUDGMENT

APPEARANCES:

Andre K. Cizmarik
Anthony J. Viola
Edwards Angell Palmer & Dodge LLP
750 Lexington Avenue
New York, New York 10022

for Plaintiff Sherman Gottlieb

Joseph J. Saltarelli
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200 Park Avenue
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for Defendant Carnival Corporation

The above captioned case having regularly come on for trial before the Honorable I. Leo Glasser, United States District Court Judge and a Jury; the issues having been heard and by verdict rendered on March 17, 2010, the Jury having found in favor of Defendant CARNIVAL CORPORATION and against Plaintiff SHERMAN GOTTLIEB with respect to Plaintiff's claim under the Telephone Consumer Protection Act, 47 U.S.C. § 227(b)(1)(C), and in favor of Plaintiff SHERMAN GOTTLIEB and against Defendant CARNIVAL CORPORATION with respect to Plaintiff's claim under New York General Business Law § 396aa; Thereafter Plaintiff

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and Defendant having renewed their motions for judgment as a matter of law pursuant to Fed. R. Civ. P. 50(b), and Defendant's motion having now been granted and Plaintiff's motion having now been denied, it is,

ORDERED, ADJUDGED AND DECREED: that for the reasons stated in the Court's Decision on the renewed motions for judgment as a matter of law pursuant to Fed. R. Civ. P. 50(b), Plaintiff's motion for judgment as a matter of law is denied; and Defendant's motion for judgment as a matter of law is granted; Judgment is entered in favor of Defendant CARNIVAL CORPORATION and against Plaintiff SHERMAN GOTTLIEB with respect to Plaintiff's claim under the Telephone Consumer Protection Act, 47 U.S.C. § 227(b)(1)(C), and such claim is hereby dismissed, Judgment is entered in favor of Defendant CARNIVAL CORPORATION and against Plaintiff SHERMAN GOTTLIEB with respect to Plaintiff's claim under New York General Business Law § 396aa, and such claim is hereby dismissed, accordingly, the Amended Complaint is hereby dismissed.

S/RCH

February 1, 2011
Date

ROBERT C. HEINEMANN

CLERK OF COURT